THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.19490 of 2005

Dated: 27th March, 2006

Between:

S.M.Salauddin & 3 others.

…..PETITIONER

AND

The A.P.S.R.T.C rep by its Regional

Manager, Ranga Reddy Regiion,

At MGBS, Hyderabad & another. **….. RESPONDENTS**

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P.No.19490 of 2005

ORDER:

The petitioners filed the writ petition to declare the action of the respondents in not granting the selection grade scale stagnation increments to them on completion of 12 years service as illegal, unjust and arbitrary and to direct the respondents to add the stagnation increments to the petitioners on completion of 12 years of service irrespective of their transfer from the date of initial appointment and

to pay the arrears by re-fixing the pay forthwith.

The main contention of the learned counsel for the petitioners is that the petitioners are entitled for stagnation increment as they have completed 12 years of service and the action of the respondents in not granting the same on the ground that they lost seniority as they were transferred from one region to another, is arbitrary and illegal. It is the further contention of the petitioners that when they approached the respondents on
12-5-2002 and in the month February, 2003, the respondents orally informed them that they are not entitled for the same. The counsel further submitted that the Corporation has introduced special grade scale for those who have completed 12 yeas of service, and as per the provisions of Circular dated 09.11.1989, issued in pursuance of the Memorandum of Understanding entered into between the Corporation and the NMU Union dated 21-4-1989, they having completed 12 years of service, are entitled for grant of increment. He submitted that a Division Bench of this Court in **A.P.S.R.T.C. v. P. Kanakaiah**, has upheld the contention of the petitioners therein that they having completed 12 years of service, are entitled for grant of stagnation increment.

Heard the learned counsel for the petitioners as also the learned Standing Counsel for A.P.S.R.T.C.

Though the respondents refused to grant stagnation increment to the petitioners upon their completion of 12 years of service, the fact remains a Division Bench of this Court in **A.P.S.R.T.C. v. P. Kanakaiah** dismissed the writ petition filed by the Corporation assailing the orders of a single Judge directing grant of stagnation increment, holding that as per the settlement arrived at between Management and Union, completion of 12 years service is *sine qua non* for releasing stagnation increments irrespective of change of Division, and inasmuch as the petitioners in the instant case, claim that they have completed 12 years of service, irrespective of their transfer to other Divisions, they are entitled to grant of stagnation increments.

In the above view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents are directed to consider the case of the petitioners for stagnation increment in the light of the judgment of the Division Bench of this court in **A.P.S.R.T.C. v. P. Kanakaiah,** and pass appropriate orders granting stagnation increment to the petitioner, if they have completed 12 years of service. No costs.

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(N.V. RAMANA, J.)

Date:27th March, 2006.

GRK